

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed December 7, 2007. In the Office Action, the Examiner notes that claims 1-30 are pending and rejected. By this response, Applicant has canceled claim claims 1-30 and added new claims 31-36. Support for the new claims may be found in the specification on at least page 16, lines 9-17 and the priority application 07/991,074 on page 24, line 21 to page 25, line 8.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Further, Applicant submits that all of the claims satisfy the requirements of 35 U.S.C. §112. Thus, Applicant believes that all of the claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

I. PRIORITY

The Examiner finds that the disclosure of prior-filed application No. 07/991,074 fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. §112 for one or more of the claims of this application. Specifically, the Examiner states that the recitation "displaying targeted advertisements based user information or a user profile within the menus" in claims 1-5, 11-12, 16-17 and 20-30 is not supported by the prior application. Further, the Examiner finds that this application claims additional disclosure not presented in prior application No. 07/991,074 and that it may constitute a continuation-in-part of the prior application.

The Applicants have canceled previous claims 1-30 and added new claims 31-36. The Applicants respectfully submit that new claims 31-36 are fully supported by the priority application 07/991,074 on at least page 24, line 21 to page 25, line 8. Therefore, the Applicants respectfully submit that present application is now a proper

continuation application of the parent application 07/991,074 and should be entitled to the earliest priority date of December 9, 1992.

II. 35 U.S.C. §112 Rejection of Claim 29

Claim 29 is rejected under 35 U.S.C. §112, ¶1, as failing to comply with the enablement requirement. The Applicants herein cancel claim 29 without prejudice. Thus, the rejection is now moot and the Applicants respectfully request the rejection be withdrawn.

III. 35 U.S.C. §102 Rejection of Claims 13-15, 18 and 19

The Examiner has rejected claims 13-15, 18 and 19 under 35 U.S.C. §102(e) as being anticipated by Goldstein (5,410,326, hereinafter "Goldstein"). The Applicants herein cancel claims 13-15, 18 and 19 without prejudice. As such, the rejection is now moot and the Applicants respectfully request the rejection be withdrawn.

IV. 35 U.S.C. §103 Rejection of Claims 1-12, 16-17 and 20-30

A. Claims 6-10

The Examiner has rejected claims 6-10 under 35 U.S.C. §103(a) as being unpatentable over Goldstein in view of Alexander et al. (6,177,931, hereinafter "Alexander"). The Applicants herein cancel claims 6-10 without prejudice. As such, the rejection is now moot and the Applicants respectfully request the rejection be withdrawn.

B. Claims 1-5, 11, 12, 16, 17, 20-28 and 30

Claims 1-5, 11, 12, 16, 17, 20-28 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks et al. (5,990,927, hereinafter "Hendricks") in view of Alexander. The Applicants herein cancel claims 1-5, 11, 12, 16, 17, 20-28 and 30 without prejudice. As such, the rejection is now moot and the Applicants respectfully request the rejection be withdrawn.

V. NEW CLAIMS

The Applicants herein add new claims 31-36. Support for the new claims may be

found in the specification on at least page 16, lines 9-17 and the priority application 07/991,074 on page 24, line 21 to page 25, line 8. The Applicants submit that no new matter is added and that new claims 31-36 are now in condition for allowance.

CONCLUSION

Thus, Applicant submits that all of the claims, presently in the application, are patentable. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 3/7/08



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